

**Customer No.: 00909**  
**Interview Summary**  
**Application Serial No.: 10/761,938**  
**Attorney Docket No. 016472-0311710**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS :	Soheil SHAMS	CONFIRMATION NO. :	2161
SERIAL NUMBER :	10/761,938	EXAMINER :	Abolfazl Tabatabai
FILING DATE :	January 21, 2004	ART UNIT :	2625
FOR :	<b>SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING MICROARRAYS</b>		

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

**INTERVIEW SUMMARY**

Applicants' representative, the undersigned, was contacted via telephone by Examiner Tabatabai on March 29, 2006 regarding the above-captioned application. During the teleconference, Examiner Tabatabai requested that the Applicants file a terminal disclaimer to overcome the pending non-statutory obviousness-type double patenting rejection of claim 76 in view of claim 1 of U.S. Patent No. 6,731,781. See Office Action mailed August 22, 2005, pg. 2. Examiner Tabatabai indicated that upon filing of the terminal disclaimer, all pending claims (1-76) would be allowed. Accordingly, a terminal disclaimer is being filed herewith.

While applicants disagree with the non-statutory obviousness-type double patenting rejection set forth by the Examiner, the terminal disclaimer is being filed herewith solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

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Date: **March 29, 2006**

Respectfully submitted,

By: 

Timothy C. Rooney  
Registration No. 55,878

**Customer No. 00909**

**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
P.O. Box 10500  
McLean, Virginia 22102  
Main: 703-770-7900  
Direct Dial: 703-770-7939  
Fax: 703-770-7901

PTO/SB/17 (12-04)

Approved for use through 07/31/2006 OMB 0851-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4181)		<b>Complete if Known</b>	
<h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">for FY 2005</h2>		Application Number	10/761,938
		Filing Date	January 21, 2004
		First Named Inventor	SOHEIL SHAMS
		Examiner Name	Abolfazl Tabatabai
		Art Unit	2625
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	016472-0311710
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b> 65	

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify) _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number <b>033975</b> Deposit Account Name <b>PILLSBURY WINTHROP SHAW MITMAN LLP</b>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	
<input checked="" type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide correct card information and authorization on PTO-2038.	

<b>FEE CALCULATION</b>																	
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																	
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)										
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)											
Utility	300	150/180	500	250	200	100											
Design	200	100	100	50	130	65											
Plant	200	100	300	150	160	80											
Reissue	300	150	500	250	600	300											
Provisional	200	100	0	0	0	0											
<b>2. EXCESS CLAIM FEES</b>																	
<b>Fee Description</b>																	
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent																	
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent																	
Multiple dependent claims																	
<table border="0" style="width: 100%;"> <tr> <td></td> <td>Small Entity</td> </tr> <tr> <td>Fee (\$)</td> <td>Fee (\$)</td> </tr> <tr> <td>50</td> <td>25</td> </tr> <tr> <td>200</td> <td>100</td> </tr> <tr> <td>360</td> <td>180</td> </tr> </table>									Small Entity	Fee (\$)	Fee (\$)	50	25	200	100	360	180
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<b>3. APPLICATION SIZE FEE</b>																	
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																	
<table border="0" style="width: 100%;"> <tr> <td> <b>Total Sheets</b> - 100 = <b>Extra Sheets</b> / 50 = <b>Number of each additional 50 or fraction thereof</b> <math>\times</math> <b>Fee (\$)</b> = <b>Fee Paid (\$)</b> </td> </tr> <tr> <td>           125.00 =         </td> </tr> </table>								<b>Total Sheets</b> - 100 = <b>Extra Sheets</b> / 50 = <b>Number of each additional 50 or fraction thereof</b> $\times$ <b>Fee (\$)</b> = <b>Fee Paid (\$)</b>	125.00 =								
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125.00 =																	
<b>4. OTHER FEE(S)</b>																	
Non-English Specification 150 fee (no small entity discount)																	
Other <b>Terminal Disclaimer</b>																	
<b>Fee Paid (\$)</b> 65.00																	

<b>SUBMITTED BY</b>		
Signature	Registration No.	Telephone
	55,878	703.770.7939
Name (Print/Type)	Date	
Timothy C. Rooney	March 29, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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